## UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Norfolk Division

ROXANNE ADAMS,
Administrator of the Estate
of Jamycheal M. Mitchell,

Plaintiff.

v. : Civil Action No: 2:16-ev-229

NAPHCARE, INC. et al., :

Defendant.

## ORDER

Pending before the Court are motions to dismiss filed by fifteen of the thirty-eight defendants in this case. Included among these motions is one filed by Debra Ferguson, former Commissioner of the Virginia Department of Behavioral & Developmental Services. Oral argument was had on these motions on October 19, 2016. Two days later, on October 21, Plaintiff's attorney John Preis participated as a lecturer at the Institute for Federal Judicial Law Clerks in Richmond, Virginia. Mr. Preis' lecture topic was "Recent Developments in the United States Supreme Court and the Fourth Circuit." Attendees at this federal law clerk program included the law clerk for the undersigned, and the law clerks for the Chief Judge, who is the District Judge assigned to this case. Following his remarks on recent developments, Mr. Preis then discussed the doctrine of qualified immunity, which was unrelated to his topic, specifically addressing the instant case and arguing to the attendees why the qualified immunity defense should not be available to Defendant Ferguson.

Consequently, in accordance with Canon 3.A(4) of the Canons of Judicial Ethics, counsel for all parties are **ADVISED** of this communication, and are **DIRECTED** to contact the Magistrate Courtroom Deputies forthwith to schedule a hearing before the undersigned, at which each party will be provided an opportunity to respond, if they so request. In addition, attorney Preis is **DIRECTED** to show cause at the hearing why the Court should not consider his conduct to constitute an attempted ex parte communication as to the merits of this case, in contravention of Rule 3.5(e) of the Virginia Rules of Professional Conduct.

The Clerk is **DIRECTED** to forward a copy of this Order to all counsel of record.

IT IS SO ORDERED.

Lawrence R. Leonard
United States Magistrate Judge

Norfolk, Virginia October 27, 2016